IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CRIMINAL REVISION PETITION NO. 567/2006

HARI BALLABH MEENA Vs. STATE OF RAJASTHAN & ORS.

DATE: 04.04.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. Ashvin Garg for the complainant-petitioner.
Mr. B.S. Chhaba, Public Prosecutor for the State.
Mr. Sudhir Jain for the accused-respondents.

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The instant criminal revision petition under Section 397 r/w Section 401 Cr.P.C. is preferred by the complainant-petitioner against the judgment dated 26.04.2006 passed by the Judicial Magistrate, First Class, Boli, District Sawai Madhopur in Criminal Case No. 353/2003, whereby the the accused-respondents have been acquitted of the charges for the offence under Sections 323, 324, 325/149, 341, 147 and 148 IPC after giving benefit of doubt.

Learned counsel appearing for the complainant-petitioner submits that the injuries received by Shri Ranglal, the father of the complainant are grievous in nature, therefore, acquittal of the accused-respondents from the offence under Sections 323, 324, 325/149, 341, 147 and 148 IPC is contrary to the medical report.

I have heard learned counsel for the complainant-petitioner, learned Public Prosecutor for the State as well as learned counsel for the accused-respondents and have also gone through the impugned judgment dated 26.04.2006 passed by the Court below and carefully perused the relevant record including the medical report.

As per the medical report, injured Ranglal received as many as six injuries and the Radiologist Shri Suresh Goyal also found that there is fracture of tibia-fibula and there are injuries on head, forehead, legs and arms also, but it appears that the medical report has not been properly considered by the Court below.

I find that the impugned judgment dated 26.04.2006 acquitting the accused-respondents from the offence under Sections 323, 324, 325/149, 341, 147 and 148 IPC has not been passed considering the medical report, injuries and the evidence of the doctor and the Radiologist, therefore, the Court below has seriously erred and committed illegality and error apparent on the face of the record, which is required to be interfered with.

Therefore, without expressing any opinion on the merits of the case, I deem it proper to quash and set-aside the impugned judgment dated 26.04.2006 passed

by the Judicial Magistrate, First class, Boli, District Sawaimadhopur and remand the matter back to the Court below for fresh adjudication and after appreciating the evidence of the doctor, Radiologist and considering the nature of injuries shall pass fresh order.

With these observations, the revision petition stands disposed of.

Record be sent back forthwith.

(K.S. RATHORE),J.

/KKC/